

**From:** Waye, Don  
**To:** Psyk, Christine; Hall, Lynda; Joelle Gore (joelle.gore@noaa.gov); 'jeff.dillen@noaa.gov'  
**CC:** Sweeney, Stephen; Byrne, Jennifer; Allison Castellan - NOAA Federal; Carlin, Jayne; Henning, Alan; Wu, Jennifer  
**Sent:** 1/20/2015 2:54:37 PM  
**Subject:** Edits to the Federal Register Notice for Oregon Coastal Nonpoint Program Disapproval  
**Attachments:** Delegation 1 - 21.pdf; OR 6217 DRAFT FRN 011415 jb-cp\_ac-dw.docx

EPA & NOAA Managers, and Jeff Dillen,

# Ex. 5 - Attorney Client

Thanks.

Don Waye  
U.S. EPA - Nonpoint Source Control Branch  
Phone: 202-566-1170

**From:** Sweeney, Stephen  
**Sent:** Tuesday, January 20, 2015 1:28 PM  
**To:** Waye, Don; Evalenko, Sandy  
**Cc:** Nelson, Tomeka; Lousberg, Macara; Ruf, Christine; Hall, Lynda  
**Subject:** RE: Who Signs the Federal Register Notice for Oregon Coastal Nonpoint Program Disapproval (under CZARA)?

Don,

# Ex. 5 - Attorney Client

Thanks,

Steve

**From:** Waye, Don

**Sent:** Tuesday, January 20, 2015 12:30 PM

**To:** Sweeney, Stephen; Evalenko, Sandy

**Cc:** Nelson, Tomeka; Lousberg, Macara; Ruf, Christine; Hall, Lynda

**Subject:** Who Signs the Federal Register Notice for Oregon Coastal Nonpoint Program Disapproval (under CZARA)?

Sandy and Steve,

I am resurrecting the email thread below (from about a year ago) because this issue has resurfaced and some facts on the ground have changed. The question is:

# Ex. 5 - Attorney Client

Don Waye

U.S. EPA - Nonpoint Source Control Branch

Phone: 202-566-1170

**From:** Sweeney, Stephen

**Sent:** Monday, February 03, 2014 10:29 AM

**To:** Evalenko, Sandy; Waye, Don

**Cc:** Nelson, Tomeka; Lousberg, Macara; Ruf, Christine

**Subject:** RE: Signature of Federal Register Notices associated with the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

Sandy,

# Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

**From:** Evalenko, Sandy

**Sent:** Monday, February 03, 2014 10:15 AM

**To:** Sweeney, Stephen; Waye, Don

**Cc:** Nelson, Tomeka; Lousberg, Macara; Ruf, Christine

**Subject:** Signature of Federal Register Notices associated with the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

# Ex. 5 - Attorney Client

# Ex. 5 - Attorney Client

Sandy Evalenko  
Senior Regulatory Manager  
Water Policy Staff  
3226K WJC East  
U.S. Environmental Protection Agency  
1201 Constitution Avenue (MC 4101m)  
Washington, DC 20460  
202-564-0264

---

**From:** Sweeney, Stephen  
**Sent:** Thursday, December 05, 2013 2:01 PM  
**To:** Evalenko, Sandy  
**Cc:** Nelson, Tomeka; Lousberg, Macara; Waye, Don  
**Subject:** RE: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

Probably later this afternoon.

---

**From:** Evalenko, Sandy  
**Sent:** Thursday, December 05, 2013 1:59 PM  
**To:** Sweeney, Stephen  
**Cc:** Nelson, Tomeka; Lousberg, Macara; Waye, Don  
**Subject:** FW: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

Steve: When do you think you'll send OGC's concurrence?

---

**From:** Lousberg, Macara  
**Sent:** Thursday, December 05, 2013 1:38 PM  
**To:** Evalenko, Sandy; Nelson, Tomeka  
**Subject:** FW: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

FYI, Don delivered the package to Diane Jones-Coleman, so not with us yet.

---

**From:** Waye, Don  
**Sent:** Thursday, December 05, 2013 12:57 PM  
**To:** Jones-Coleman, Diane  
**Cc:** Nelson, Tomeka; Hall, Lynda; Lousberg, Macara  
**Subject:** Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

The attachments would help. J

---

**From:** Waye, Don  
**Sent:** Thursday, December 05, 2013 12:54 PM  
**To:** Jones-Coleman, Diane  
**Cc:** Lousberg, Macara; Nelson, Tomeka; Hall, Lynda  
**Subject:** Attn Diane Jones-Coleman: Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Hi Diane,

I just place a Federal Register Notice Package on your chair for expedited processing. Macara is reviewing this at the supporting Proposed Findings Document that gets published with the FR Notice. OGC is wrapping up one final scrub of the Proposed Findings Document today, but all have signed off on the FR Notice (well, Macara is reviewing this now). See Macara's note below that we are positioning this to have Nancy sign the notice before she heads out of

town next Monday.

Also, per the hand-note I left for you, a reminder that NOAA will sign the FR Notice after Nancy does. NOAA is also publishing the Notice and has requested that Nancy sign ALL 3 original Notices, but that she should leave the date field blank (for NOAA to fill in once they sign).

THANKS!!

---

**From:** Waye, Don  
**Sent:** Thursday, December 05, 2013 12:18 PM  
**To:** Lousberg, Macara  
**Cc:** Hall, Lynda  
**Subject:** RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Macara,

You are wonderful. Thanks again. NOAA emphasizes that 3 originals must be signed by Nancy Stoner, but that the date field needs to be blank (so that NOAA can date it after Nancy's counterpart at NOAA signs it). Since NOAA is handling the publishing of the notice, we defer to them on the process.

I am walking a folder of 3 hard copies of the notice down to you right now.

Don Waye  
U.S. EPA - Nonpoint Source Control Branch  
Phone: 202-566-1170  
Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

---

**From:** Lousberg, Macara  
**Sent:** Thursday, December 05, 2013 7:20 AM  
**To:** Waye, Don  
**Cc:** Sweeney, Stephen; Hall, Lynda  
**Subject:** RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Hi Don. We will get this moving today. Hopefully we can get it to Nancy for signature tomorrow because she's on travel next Monday-Wednesday. If we find changes that need to be made though, sounds like we can still get it to her for signature next Thursday and meet your deadline. If OGC's review does end up with changes being made, please let us know ASAP. Thanks.

Macara

---

**From:** Waye, Don  
**Sent:** Wednesday, December 04, 2013 6:16 PM  
**To:** Lousberg, Macara  
**Cc:** Sweeney, Stephen; Hall, Lynda  
**Subject:** FW: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

I think we're on the same page now, Macara. We definitely hear a big clock ticking and want to get this in front of Water Policy Office eyeballs ASAP. Thanks!

-Don

---

**From:** Hall, Lynda  
**Sent:** Wednesday, December 04, 2013 6:11 PM  
**To:** Waye, Don; Sweeney, Stephen  
**Subject:** Re: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Yes we should encourage Macara to proceed.

---

**From:** Waye, Don  
**Sent:** Wednesday, December 04, 2013 6:09:57 PM  
**To:** Sweeney, Stephen  
**Cc:** Hall, Lynda  
**Subject:** RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Okay. Thanks for that clarification. So Macara's review can proceed? We just want to get this in her queue ASAP, given the pressing deadline.

---

**From:** Sweeney, Stephen  
**Sent:** Wednesday, December 04, 2013 6:08 PM  
**To:** Waye, Don; Lousberg, Macara  
**Cc:** Hall, Lynda; Nelson, Tomeka  
**Subject:** RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Or, more precisely, the documents should clear OGC review tomorrow morning. We don't anticipate any pause or problems.

---

**From:** Waye, Don  
**Sent:** Wednesday, December 04, 2013 6:05 PM  
**To:** Lousberg, Macara  
**Cc:** Hall, Lynda; Nelson, Tomeka; Sweeney, Stephen  
**Subject:** Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Macara,

OWOW is requesting your expedited review of the two attachments. The FR Notice is required to be signed by both EPA and NOAA and published by 12/20/13 under the terms of a settlement agreement. (Actually, the requirement was for an 11/15 public notice, but we renegotiated with the plaintiff after the shutdown for 12/20.)

All of our management through Nancy Stoner & Ken Kopocis have been briefed (along with briefings with R10's RA and NOAA). These documents have cleared OGC review, as well. The goal is to get the final version of these documents in front of Nancy Stoner for her to sign the FR Notice not later than noon on 12/12 so her counterpart at NOAA can sign the notice by 12/16. Any later than that, and we will likely miss our deadline. NOAA is handling the actual typesetting/publishing of the FR Notice.

Thank you!

Don Waye  
U.S. Environmental Protection Agency  
Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address:	Office (FedEx/UPS delivery):
Mail Code 4503T	Room 7417H
1200 Pennsylvania Ave, NW	1301 Constitution Ave, NW
Washington, DC 20460	Washington, DC 20004
Phone: (202) 566-1170	Fax: (202) 566-1331
Email: <a href="mailto:waye.don@epa.gov">waye.don@epa.gov</a>	Website: <a href="http://epa.gov/nps">epa.gov/nps</a>

---

**From:** Waye, Don  
**Sent:** Wednesday, December 04, 2013 5:55 PM

**To:** Hall, Lynda

**Subject:** Attn Lynda - Oregon CZARA Federal Register Notice & Proposed Findings Document

Lynda,

Attached is what I hope is the FINAL Federal Register Notice and final proposed findings document for Oregon's coastal nonpoint program (barring any last-minute required edits from Macara Lousberg or our management). I checked with Tomeka and with Nancy Stoner's assistant and they both confirmed that these need to be reviewed by Macara in the Water Policy Office before being proffered for Nancy Stoner's signature. I will send these attachments to Macara. Meanwhile, will you please send them to our management in OWOW?

In the interest of time, I am suggesting that we do as much as possible electronically and cut back on formal transmittal memos, since everyone through Benita, Nancy & Ken Kopocis (not to mention NOAA and EPA R10) has already been briefed on this action.

Thank you!

Don Waye

U.S. Environmental Protection Agency

Nonpoint Source Control Branch (OWOW/AWPD)

USPS Mailing Address:	Office (FedEx/UPS delivery):
Mail Code 4503T	Room 7417H
1200 Pennsylvania Ave, NW	1301 Constitution Ave, NW
Washington, DC 20460	Washington, DC 20004
Phone: (202) 566-1170	Fax: (202) 566-1331
Email: <a href="mailto:waye.don@epa.gov">waye.don@epa.gov</a>	Website: <a href="http://epa.gov/nps">epa.gov/nps</a>